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DEPARTMENT FOR NEA/FO (GRAY AND CARPENTER)
NEA/MAG (HOPKINS/HARRIS); NEA/PI; DRL
LONDON AND PARIS FOR NEA WATCHER

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TAGS: PHUM PGOV PREL KDEM KPAO TS

SUBJECT: PRO-GOT HUMAN RIGHTS LEAGUE FACTION OPEN TO A
RECONCILIATION

REF: A. TUNIS 1004

- 1B. TUNIS 330
- 1C. 06 TUNIS 1425
- 1D. 06 TUNIS 1308

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

11. (C) On August 1, the Ambassador met with the pro-GOT faction of the Tunisian Human Rights League (LTDH), which sued the Executive Committee of the LTDH to protest the consolidation of LTDH branches. The ensuing legal battle has virtually suspended all LTDH activities since 2005 (Ref B). The meeting focused on the merits of the legal case against the LTDH Executive Committee. Though the group's attorney strongly defended their position, they did add they were open to GOT and/or international mediators. The interlocutors also opined that Islamists have no place in Tunisian politics and are a threat to society. End summary.

Background About Cases

12. (C) Following his July 23 meeting with Tunisian Human Rights League (LTDH) President Mokhtar Trifi (Ref A), the Ambassador met with Chedli Ben Younes (an attorney in the complaint against the LTDH executive committee and former LTDH chapter president), Ridha Mellouli (former president of the Tunis-Medina LTDH chapter), and Abderraouf Jemal (former president of the Sejoumi LTDH chapter) on August 1. The LTDH is the Arab world's oldest human rights organization, but the ongoing dispute has paralyzed the organization. Ben Younes represents Mellouli and Jemal in a lawsuit against the LTDH Executive Committee regarding Trifi's closing and consolidation of LTDH branches in advance of the organization's congress. Ben Younes contends the branches were consolidated to marginalize pro-GOT factions within the LTDH. The ensuing legal battles have virtually suspended LTDH activities since 2005 (Ref B). Ben Younes opened the meeting by expressing his appreciation for the Ambassador's sitting down with both sides of the LTDH crisis to hear their story.

13. (C) Ben Younes explained at length the legal arguments in the case against the LTDH Executive Committee. The saga begins with the LTDH congress in 2000. According to Ben Younes, per the LTDH's charter, each local chapter elects representatives to attend the national congress. These

representatives in-turn elect the LTDH national leadership. When LTDH national elections were held in 2000, the results were challenged because they were held without renewing participants' membership cards. Since the Executive Committee had been elected by representatives with expired registration, their legitimacy was questioned. A June 2001 court ruling gave the LTDH one year to hold new elections, after electing (or re-electing) local representatives for the congress and suspended all unrelated LTDH activities.

¶4. (C) Following a long period during which the Executive Committee ignored the Court ruling, LTDH members were polled to see if they supported the court's action. Ben Younes claimed that this was a ruse to ascertain which members supported Trifi and which did not. Ben Younes alleged that Trifi used this information to consolidate LTDH branches (from 41 to 22) and form local chapters with majorities sympathetic to Trifi. (Note: The LTDH also received funds to restructure from the European Parliament, which specified the number of chapters needed to be reduced. End Note.) The LTDH consolidation is complicated by the fact that the LTDH has not accepted new members since 1994 (per Ben Younes, this is due to a fear of being infiltrated by Islamists). Over time, some LTDH chapters shrank to less than 50 people; these were among the chapters Trifi consolidated.

¶5. (C) When Trifi started organizing a new congress in 2005 with the 22 consolidated chapters, some of the dissolved chapters took legal action. Melloui's and Jemal's lawsuit contends that LTDH procedures were not followed and that this consolidation essentially constitutes the creation of new chapters which, according to LTDH regulations, is beyond the scope of the LTDH's president's powers. In February 2007, the courts banned the LTDH from holding its national congress with the consolidated chapters, upholding a September 2005 provisional ruling that essentially blocked all LTDH

activities (Ref A). (Note: The LTDH's May 2006 attempt to hold a national congress was violently blocked. Ref D. End Note.) Since the February 2007 ruling, the status of the LTDH standoff remains unchanged. Ben Younes emphasized that he shares Trifi's goal: that of an independent LTDH that promotes human rights.

Above Reproach?

¶6. (C) Ben Younes said that his faction has no intentions to start a new human rights league, since the LTDH is as much their organization as anyone else's, and because Tunisia does not need multiple human rights leagues. He stated that he simply wants Trifi to follow LTDH internal guidelines. He argued that, in order to properly play the role of a human rights organization, not only should the LTDH itself not have any political affiliation, but that the same should be true of its members. Ben Younes enumerated the political connections of Trifi and his supporters, implying that their political affiliations made them unfit to hold LTDH office. Trifi for example, Ben Younes said, is a member of the opposition Renewal Movement (Et-Tajdid) party. He acknowledged that his client Jemal is a member of the ruling Democratic Constitutional Rally (RCD) while Melloui, a journalist, was appointed to the Chamber of Advisors by President Ben Ali, but explained that his appointment was due to his standing as a notable public figure, not his political affiliation.

A Way Forward?

¶7. (C) Like Trifi, Ben Younes was optimistic that Moncer Rouissi, President of the GOT's Higher Commission on Human Rights and Civil Liberties (HCHR), might be able to mediate the dispute between the two LTDH factions. He was also open to mediation by the newly elected president of the International Federation of Human Rights Leagues (and former

LTDH vice-president) Souhayr Belhassen. Ben Younes asked Belhassen to mediate, but while she was open to the idea she said that first she needed to attend to her new international responsibilities. Both Trifi and Ben Younes say that the current situation is untenable and express openness to mediation, though Ben Younes did not comment on the failure of 2006 independent mediation (Ref C). (Note: Trifi said the negotiations resulted in a proposal that the LTDH Executive Council endorsed, but they never received a response from Ben Younes's faction. End Note.) In both his meeting with Trifi and Ben Younes, the Ambassador was unequivocal about his support for a resolution to the LTDH crisis, and an independent LTDH founded on advancing human rights.

Islam and Politics

¶8. (C) Melloui and Jemal were mostly reserved during the meeting, but Melloui did vehemently opine that Islamists are Tunisia's greatest threat, and should be allowed no role in politics. When the Ambassador asked about the role of moderate Islamists, Melloui responded that he did not believe there could be such a thing. Moderates have their place, Melloui said, but he believes moderates and Islamists are mutually exclusive concepts. Ben Younes attempted to downplay Melloui's comments by acknowledging that Americans believe in the concept of free speech and freedom of religion, but said that Islamists should not have a political role.

Comment

¶9. (C) Though both sides are entrenched in their positions, they do seem to see the merit of finding a solution. Aside from the case of recently released political prisoner Mohamed Abbou (Ref D), the LTDH crisis has probably attracted the most negative critiques of Tunisian human rights from the international community. Ben Younes's and Trifi's mutual willingness to enter into negotiations facilitated by Moncer Rouissi may be the best possibility for resolving the LTDH situation in the last two years. If such negotiations successfully lead to the resurrection of the LTDH as a functioning independent human rights league, it would be fair to conclude the GOT is sincere about making at least some progress regarding human rights concerns. End Comment.
GODEC